



U.S. Department of Justice

United States Attorney
Southern District of New York

2400081

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

December 4, 1995

By FacsimileDavid Breitbart, Esq.
52 Duane Street 7th Floor
New York, New York 10007Re: United States v. Christopher Furnari
S3 85 Cr. 139(RO)

Dear Mr. Breitbart:

This letter is submitted in response to your request that the Government correct information that appeared in Furnari's presentence report ("PSR"). Having the benefit of cooperating witnesses who are familiar with Furnari and his criminal activities, and who began to cooperate several years after Furnari's conviction, the Government hereby agrees to the correction and clarification of certain information contained in the PSR.

Specifically, you have objected to references in the PSR that describe Furnari as serving as consigliere of the Luchese Family "since at least the late-1970's," and suggest that, through his position on the Commission as Luchese consigliere, Furnari implicitly approved of the 1979 murders of Carmine Galente, Leonard Coppola, and Giuseppe Turrano. See PSR at 20, 28-29. We have since learned however, that Furnari was only a capo in the Luchese Family until the early eighties, and consequently, could not have sat on the Commission at the time of the Galente homicide.

As you know, in September 1991 Alfonso D'Arco, a longtime member of the Luchese Family who also had served as capo and acting boss, began to cooperate with the Government. In his proffers to the Government and in his trial testimony, D'Arco has identified Furnari as a Luchese capo in the late seventies and early eighties, who did not become a consigliere until the early eighties. Thus, from information received after Furnari's conviction in the above-captioned matter, we now believe that Furnari was only a capo, and not a Luchese representative on the Commission at the time of the Galente homicide.

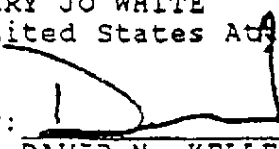
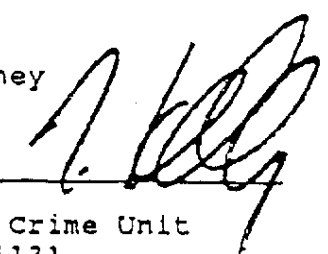
However, this does not change our view of Furnari's character, nor does it diminish the danger he posed as a participant in a violent criminal enterprise. Through the many

years that Furnari was an associate and high-ranking member of the Luchese Family, Furnari was well aware of -- and indeed accepted as a way of life -- the Commission's role in La Cosa Nostra, and its power to order murders. With full knowledge of the Commission's role in sanctioning murders, Furnari willingly accepted his appointment to Luchese Family consigliere, and as such participated with other members of the Luchese hierarchy in Commission affairs, albeit sometime after the Galente homicide.

In view of D'Arco's information, we agree, with leave of the Court, that the PSR should be amended by annexing to it a copy of this letter. In addition, a copy of this letter will be forwarded to the United States Parole Commission. If you have any objection, please let me know.

Very truly yours,

MARY JO WHITE
United States Attorney

By:  
DAVID N. KELLEY
Chief, Organized Crime Unit
Tel.: (212) 791-1131

cc: Joseph Veltre, USPO